

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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Marianne Nestor,		:	
	Appellant,	:	
		:	1:24-cv-04063 (ALC)
-against-		:	
		:	<u>ORDER</u>
Albert Togut,		:	
		:	
	Appellee.	:	
		:	
-----X			

ANDREW L. CARTER, JR., United States District Judge:

On June 10, 2024, *pro se* Appellant Marianne Nestor filed a motion for an order granting confirmation of 50% of her undivided property. ECF No. 3. On June 25, 2024, Appellee Albert Togut filed a letter arguing that the Appellant moves for the substantially the same relief that she sought and was denied in bankruptcy court. ECF No. 7. Appellee believes that this motion is duplicative of the appeal of the bankruptcy court's order and constitutes an improper collateral attack on the bankruptcy court's order, and therefore should be dismissed on that basis. *See In re Purdue Pharma L.P.*, No. 23-CV-03779 (PMH), 2024 WL 1194738, at *4 (S.D.N.Y. Mar. 20, 2024).

On February 5, 2025, this Court ordered Appellant Marianne Nestor to show cause as to why this Court should not deem the instant motion at ECF No. 3 duplicative of the appeal of the bankruptcy court's order. ECF No. 11. On February 28, 2025, Appellant filed letters in response to the OSHOW. ECF Nos. 15-17.

On March 18, 2025, this Court ordered Appellee Albert Togut to file a response to the OSHOW at ECF No. 11. On March 24, 2025, Appellee again argued that this motion is

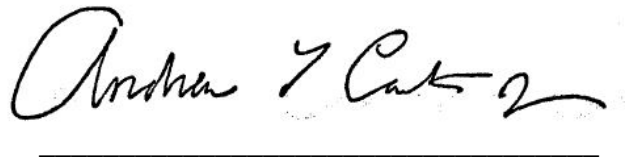
duplicative of the appeal of the bankruptcy court's order and constitutes an improper collateral attack on the bankruptcy court's order.

The Court will hold a telephone conference on April 8, 2025 at 11 AM to give the parties an opportunity to be heard, and will deny the motion without prejudice. This Court directs the Clerk of Court to terminate the motion at ECF No. 3.

SO ORDERED.

Dated: March 25, 2025

New York, NY

A handwritten signature in black ink, reading "Andrew L. Carter, Jr.", written over a horizontal line.

ANDREW L. CARTER, JR.
United States District Judge